UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/NGO/104
17 March 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Items 11(a) and 13 of the provisional agenda

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF: TORTURE AND DETENTION

RIGHTS OF THE CHILD

Written statement submitted by the International Save the Children Alliance, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 March 1999]

GE.99-11523 (E)

Torture and the rights of the child

1. The International Save the Children Alliance would like to draw the attention of the Commission on Human Rights to the fact that, in considering the definition of torture in relation to children, it is important to recognize their particular status. Children are much more often subject to what amounts to detention than adults, given the traditional authority of parents, other carers and teachers. Compulsory education, and the placement of children in a wide range of residential institutions for the purpose of care, containment and treatment also effectively constitute detention. In many countries there is insufficient legal protection of children's rights in such settings, insufficient inspection and monitoring, and there remains widespread tolerance of physical punishment and deliberate humiliation. From a child's perspective being forced to live under a regime of fear, threat and experience of physical beatings, and/or other forms of deliberate humiliation, and placement in solitary confinement amount to torture, whether it takes place in the home or in an institution. In addition to the physical injuries that frequently result, there is growing research evidence of the psychological damage of such treatment, which may well be accentuated if the treatment or punishment is administered by someone whom the child is expected to love and respect.

2. Therefore, the International Save the Children Alliance requests the Commission on Human Rights to urge all Governments to commit themselves to the guidelines of the Committee on the Rights of the Child. In particular, the Committee has stressed that corporal punishment of children is incompatible with the Convention on the Rights of the Child and has often proposed the revision of existing legislation, as well as the development of awareness and educational campaigns, to prevent child abuse and the physical punishment of children. Therefore, the Committee has called for a clear prohibition of all physical punishment - in the family, in other forms of care, in schools and in the penal system - coupled with education campaigns.